

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

Keith Seward,
Plaintiff,
vs.
Republican National Committee,
Defendant.

Civil Action No. 3:19-cv-1111-CMC

OPINION AND ORDER

This matter is before the court on Plaintiff's *pro se* Complaint appearing to allege the Republican National Committee engaged in robocalls to his phone number despite his requests to discontinue. ECF No. 1. In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 (B)(2), D.S.C., this matter was referred to United States Magistrate Judge Shiva V. Hodges for pre-trial proceedings and a Report and Recommendation ("Report"). On May 14, 2019, the Magistrate Judge issued a Report recommending this matter be dismissed with prejudice pursuant to Fed. R. Civ. P. 41(b), as Plaintiff has failed to keep the court apprised of his address and therefore the court has no way to contact him. ECF No. 9. The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and the serious consequences if he failed to do so. The Report also noted if Plaintiff responded within the time set for filing objections, his case would continue and the Report would be vacated. *Id.* Plaintiff has not filed objections and the time for doing so has expired.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection

is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b).

After reviewing the record of this matter, the applicable law, and the Report and Recommendation of the Magistrate Judge, the court agrees with the conclusion of the Report that this matter should be dismissed with prejudice under Rule 41(b). Accordingly, the court adopts and incorporates the Report and Recommendation by reference in this Order. Plaintiff's complaint is hereby dismissed pursuant to Fed. R. Civ. P. 41(b). *See also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989) ("The Federal Rules of Civil Procedure recognize that courts must have the authority to control litigation before them, and this authority includes the power to order dismissal of an action for failure to comply with court orders.").

IT IS SO ORDERED.

s/Cameron McGowan Currie
CAMERON MCGOWAN CURRIE
Senior United States District Judge

Columbia, South Carolina
May 30, 2019